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5 ***E-FILED - 11/10/09***
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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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15 OSCAR PALACIOS,) No. C 09-1043 RMW (PR)
16 Plaintiff,) ORDER OF DISMISSAL
17 v.)
18 WARDEN A. HEDGPETH, et al.,)
19 Defendants.)
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22 Plaintiff, a prisoner at Salinas Valley State Prison, filed a pro se civil rights complaint
23 pursuant to 42 U.S.C. § 1983. Upon initial screening of the complaint, on April 24, 2009, the
24 court identified several deficiencies in the original complaint and dismissed the complaint with
25 leave to amend. On May 13, 2009, plaintiff filed an amended complaint. On September 8, 2009,
26 after initial screening of the amended complaint, the court issued an order to show cause to
27 plaintiff as to why this action should not be dismissed for his failure to exhaust administrative
28 remedies.

29 In the order, the court ordered plaintiff to file a response within thirty days of the filing
30 date of the order. The court warned plaintiff that if he had not fully exhausted his administrative
31 remedies prior to filing this action, this action would be dismissed without prejudice and plaintiff
32 could file a new complaint once he had exhausted his administrative remedies. The court further
33 warned plaintiff that if he failed to file a response within the court's deadline, it would result in
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1 the dismissal of this action without prejudice for failure to exhaust. No response has been
2 received from plaintiff.

3 Accordingly, the instant action is DISMISSED without prejudice for failure to exhaust.
4 The Clerk shall terminate all pending motions and close the file.

5 IT IS SO ORDERED.

6 DATED: 11/6/09


RONALD M. WHYTE
United States District Judge